

# PROTECTED INNOCENCE CHALLENGE

STATE ACTION. NATIONAL CHANGE.

## Issue Brief

### SECTION 3.3

#### Area of Law

Criminal Provisions for Traffickers

#### The Policy Point

Using the Internet to lure, entice, recruit, or sell commercial sex acts with a minor is a separate crime or results in an enhanced penalty for traffickers.

#### The Legislative Solution

Traffickers of commercial sex acts with minors are increasingly turning to the Internet to identify and recruit the large numbers of minors vulnerable to these cyber-predators. Also, the Internet is a lucrative venue to sell commercial sex acts, live and recorded sexual performance by minors, and images of child pornography to the growing number of buyers. Law enforcement operations across the country have revealed minors being sold for sex on the Internet, often on online classified websites. Child pornography also is widely available on the Internet and live sexual performances are facilitated through peer-to-peer networks, selling live, webcast child sexual performance and images of sexual abuse. Laws specifically prohibiting Internet recruitment and exploitation are critical to deterring the traffickers and protecting children from this form of commercial sexual exploitation.

#### Select Statute Highlights

The following statutes are highlighted because they apply to all minors under the age of 18, include specific language making the use of the Internet to recruit or sell children for purposes of commercial sexual exploitation, and clearly apply to traffickers.

##### Illinois

720 Ill. Comp. Stat. Ann. 5/11-25(a) (Grooming) criminalizes any person who “knowingly uses a computer on-line service, Internet service, . . . [to] solicit . . . or attempt to . . . solicit . . . a child . . . to commit” a violation of 720 Ill. Comp. Stat. Ann. 5/11-14.4 (Promoting juvenile prostitution), or 720 Ill. Comp. Stat. Ann. 5/11-19.1 (Juvenile pimping and aggravated juvenile pimping). A violation of 720 Ill. Comp. Stat. Ann. 5/11-25(a) is a Class 4 felony punishable by a sentence of 1–3 years imprisonment and a possible fine up to \$25,000.

##### Kentucky

Ky. Rev. Stat. Ann. § 510.155(1) (Unlawful use of electronic means originating or received within the Commonwealth to induce a minor to engage in sexual or other prohibited activities) criminalizes the “knowing[] use [of] a communications system, including computers, computer networks, computer bulletin boards . . . for the purpose of procuring or promoting the use of a minor, or a peace

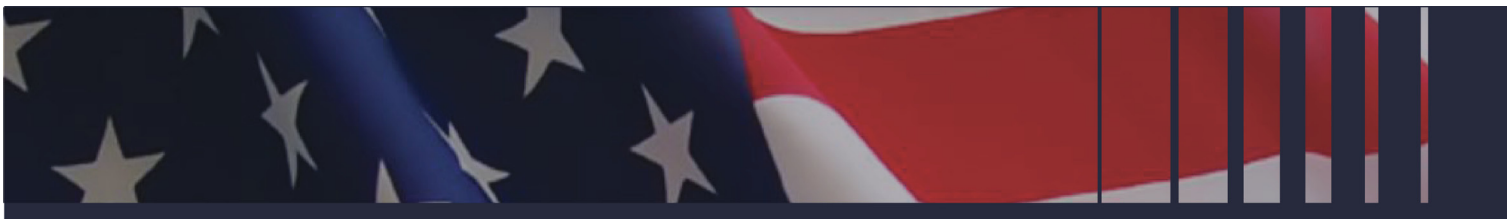
officer posing as a minor if the person believes that the peace officer is a minor or is wanton or reckless in that belief, for any activity in violation” of certain listed crimes, including the crimes of human trafficking pursuant to Ky. Rev. Stat. Ann. § 529.100 “where that offense involves commercial sexual activity” or Ky. Rev. Stat. Ann. Chapter 531 (pornography).

##### Massachusetts

Pursuant to Mass. Gen. Laws ch. 265, § 26D (Enticement of children to engage in prostitution or commercial sexual activity), “Whoever, by electronic communication, knowingly entices a child under the age of 18 years, to engage in prostitution in violation of section 50 or section 53A of chapter 272, human trafficking in violation of section 50 (Human trafficking – sexual servitude), 51 (Human trafficking – forced services) . . . or commercial sexual activity as defined in section 49, or attempts to do so, shall be punished by imprisonment in a house of correction for not more than 2 ½ years or in the state prison for not more than 5 years or by a fine of not less than \$2,500, or by both such fine and imprisonment.”

##### Virginia

Va. Code § 18.2-374.3(E) states in part, “[a]ny person 18 years of age or older who uses a communications system, including but not limited to computers or computer networks . . . for the purposes of



soliciting any person he knows or has reason to believe is a child less than 18 years of age for (i) any activity in violation of” taking or detaining a person for prostitution or consenting thereto pursuant to § 18.2-355, crimes against nature pursuant to § 18.2-361, and child pornography offenses pursuant to § 18.2-374.1 and § 18.2-374.1:1 . . . will be guilty of a felony punishable by imprisonment of 1–10 years, “or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.”

Issues Briefs are derived from the 41 legal components contained in the Protected Innocence Legislative Framework, an analysis of state laws performed by Shared Hope International, under the Protected Innocence Challenge. This initiative is designed to set a national standard of protection against domestic minor sex trafficking.

To access the Protected Innocence Legislative Framework Methodology, and Report Cards, foundational analysis and recommendations for each state, please visit: [www.sharedhope.org](http://www.sharedhope.org).

